HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.760 of 2006

Between:

C.Vanamala

... Petitioner

And

The Deputy Secretary, Ministry of
Home Affairs (FF Division),
New Delhi

... Respondent

:: ORDER::

Counsel for Petitioner : Shri V.Venkateshwar

Counsel for the Respondent: Ms. Sarada,
Central Government Standing
Counsel.

September 12, 2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondent to sanction pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme) in the capacity of widow of late S.Vishwanatham, who had already been treated as freedom fighter and granted pension.

Although, in the counter-affidavit dated 24-2-2004 filed by Sri Virendra Kumar, Under Secretary in the Ministry of Home Affairs, Freedom Fighters Division, it has been averred that the application made by the petitioner for grant of pension as a widow of late S.Vishwanatham was not received in the Ministry, Ms. Sarada, learned Central Government Standing Counsel fairly stated that if the petitioner makes an application even at this belated stage, the same will be considered and decided within two months from the date of receipt of the application.

In view of the statement made by the learned Central Government Standing Counsel, the writ petition is disposed of with the following directions:

1) Within two weeks from today, the petitioner shall submit fresh application along with necessary documents to the Secretary to the Government of Andhra Pradesh, Revenue Department (Freedom Fighters Division) for grant of pension under the 1980 Scheme.

2) The petitioner's application be immediately sent to the Committee constituted by the State Government vide G.O.Rt.No.1680, dated 2.8.2006. The Committee shall, within two months, scrutinize the application and documents and make its recommendations to the Secretary to the Government of Andhra Pradesh, Revenue Department (Freedom Fighters Division).

3) If the Committee recommends rejection of the petitioner's claim, then the report of the Committee be communicated to the petitioner at the end of two months period specified in the preceding clause.

4) In that event, the petitioner shall be free to institute fresh

petition questioning the rejection of her claim for grant of pension under the 1980 Scheme.

5) If the report of the Committee is favourable to the petitioner, then the same be forwarded to the Deputy Secretary in the Ministry of Home Affairs (Freedom Fighters Division), Government of India for grant of pension to her under the 1980 Scheme by treating her as widow of late S.Vishwanatham.

6) Within next eight weeks, the competent authority shall pass appropriate order and communicate the same to the petitioner.

7) If the petitioner is held eligible and entitled to get pension as widow of late S.Vishwanatham, then appropriate direction be given to the concerned authority for release of pension in her favour.

G.S. SINGHVI, CJ

September 12, 2006

Note:
The Court Officer is directed to give attested copies of this order to the counsel for the parties.

/B.O/
GRR